GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

B.C. Welfare Department - Appeal petition filed by Smt Chennur Maqbal Jan, W/o Late. Sri Chennur Jaffar Vali, Kadiri , Anantapuramu District at Anantapuram against the proceedings of the District Collector, Anantapuramu District under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993 – Appeal disposed of – Orders – Issued.

BACKWARD CLASSES WELFARE (F) DEPARTMENT

G.O.Ms.No.29 Dated:20.12. 2018.

Read the following:

1. Proceedings of the Collector, & District Magistrate, Ananthapuramu Rc.No.MC3/2416/2014, Dated.10.02.2017.

2. Appeal Petition filed by Smt Chennur Maqbal Jan, W/o Late Chennur Jaffar Vali, R/o Kadiri, Anantapur District before the Government on 07.03.2017 received through the Hon'ble M (BCW) Endt No.34 M (BCW&E, H& Excise)/17, Dated. 07.03.2017.

3. Government Memo No. 583/F/A2/2017, Dt: 24.3.2017.

4**.** Caveat Petition filed by Smt M.Shahanaz Shakir, W/o Mohammad Shakir , R/o Kadiri, Anantapur district, against Smt Chennur Maqbal Jan, W/o Late Chennur Jaffar Vali, R/o Kadiri, Anantapur District before Government .

5. W.P.No. 5686 OF 2017, dated: 17.2.2017 filed by the Appellant, Smt Chennur Maqbal Jan, W/o Late Chennur Jaffar Vali, R/o Kadiri, Anantapur District , before the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh and the Orders passed in WPMP NO. 6934 OF 2017.

6. Caveat Petition of Smt M . Shahanaz Shakir , W/o Mohammad Shakir, R/o Kadiri, Anantapuramu District.

7. Letter No. Rc.No.MC3/2416/2014, Dated: 31.05.2017, from the Collector and the District Magistrate, Ananatapuramu District.

8. Orders in WPMP NO: 23981 of 2017 and WPMP NO: 23982 OF 2017 in W.P.No. 19646 OF 2017, dated: 17.2.2017 filed by Smt M . Shahanaz Shakir , W/o Mohammad Shakir, R/o Kadiri, Anantapuramu District , the Petitioner , before the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh .

9. Govt. Memo No.583/F/A2/2017, Dated: 13.12.2017, 24.1.2018, 07.2.2018 , and 17.4.2018,

10 . Orders in IA NO: 1 of 2018 in WP No 23814 OF 2018 Dt : 12. 7. 2018 filed by Smt.M. Shahanaz Shakir , W/o Mohammad Shakir, R/o Kadiri, Anantapuramu District , the Petitioner , before the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh .

11. Orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in Contempt Case in WP No 23814 OF 2018 Dt : 29. 11. 2018.

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ORDER:

In the reference 1st read above , the Collector & District Magistrate, Anantapuramu District has passed orders, in exercise of his powers conferred on him by the Government under Rule (9) of A.P. SCs, STs & BCs issue of Community, Nativity and Date of Birth Certificate Rules 1997 read with 5(1) of the A.P.(SCs, STs and BCs) Regulation of issue of Community, Certificates Act 16/93, cancelling the caste certificate (BC-E- Shaik) issued in favour

of Smt Chennur Maqbal Jan , W/o Late Chennur Jaffar Vali, R/o Kadiri, Anantapur District, by the Tahsildar, Kadiri.

2. In the reference 2nd read above , Smt Chennur Maqbal Jan , W/o Late Chennur Jaffar Vali, R/o Kadiri, Anantapur District filed an appeal petition before the Government challenging the said proceedings of the Collector & District Magistrate , Anantapuramu District. After examining the said Appeal Petition, Government have admitted the same and called for the para – wise remarks and connected records from the Collector & District Magistrate , Anantapuramu District vide reference 3rd read above.

3. In the reference 4th read above Smt M.Shahanaz Shakir, W/o Mohammad Shakir, R/o Kadiri, Ananthapur district, based on whose complaint the Caste Certificate (BC-E-Shaik) issued to Smt Chennur Maqbal Jan was cancelled, has filed Caveat petition, before the Government.

4. The appellant Smt Chennur Maqbal Jan filed W.P.No. 5686 OF 2017, before the Hon'ble High Court of Judicature at Hyderabad, seeking suspension of the operation of the impugned order dt: 10.02.2017 passed by the Collector & District Magistrate, Ananthapuram and the orders were passed in WPMP No. 6934 OF 2017.

5. In the reference 6th read above Caveat Petition was filed by Smt M . Shahanaz Shakir , W/o Mohammad Shakir, R/o Kadiri, Anantapuramu District.

6. In the reference 7th read above, the Collector & the District Magistrate, Ananatapuramu District has furnished the parawise remarks and connected records relating to the Appeal Petition filed by Smt Chennur Maqbal Jan, W/o Late Chennur Jaffar Vali, R/o Kadiri, Anantapur District.

7. In the reference 8th read above the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh has passed the following order in WPMP No. 23981 of 2017 and WPMP No. 23982 of 2017 in W.P.No. 19646 of 2017, dated: 17.2.2017 filed by Smt M.Shahanaz Shakir.

"*Considering the circumstances of the case and the above submission, without expressing any opinion on merits, this Court is inclined to pass the following order*:

"*If the order of cancellation of the 7th respondent's caste certificate has not already been kept in abeyance by the authorities concerned, the 6th respondent is directed to proceed in accordance with law".*

Accordingly the Writ Petition is disposed of. No costs. Consequently miscellaneous petitions if any, shall stand closed."

8. The said Appeal Petition has been posted for hearing before the Government on 28.12.2017, 01.2.2018, 04.4.2018 , and finally on 26.7.2018 and both Appellant and the complainant were informed of the same with a request to attend the hearing on the said dates, with relevant documents in support of their contentions and present the case either in person or through authorized counsel.

9. In the reference 10th read above, the Hon'ble High Court at Hyderabad has issued directions to Government vide orders passed in IA No.I of 2018 in WPNo. 23814 of 2018 Dated: 12.07.2018 filed by Smt. M. Shahanaz Shakir, to dispose the Appeal Petition in accordance with law , with in a stipulated time .

10 . After careful and detailed examination of all the relevant documents related to the above Caste Appeal case; the observations of the District Collector, Ananatapuram in his proceedings dated 10.02.2017; the parawise remarks submitted by the District Collector, Anantapuramu , and after taking in to consideration the arguments advanced by the Appellant and the complainant during the hearing held before Government , the following conclusions are drawn by Government on the community claim of Smt Chennur Maqbal Jan, W/o Late Chennur Jaffar Vali, R/o Kadiri, Anantapur District.

" The Collector & the District Magistrate Anantapuramu , in his proceedings Rc.No. MC3/2416/2014, Dated: 10.02.2017, observed that this case s purely based on communal combat between Smt M. Shahnaz Shakir (Shaiek) the petitioner , and Smt Chennur Maqbul Jan, the Appellant. The Government are of the view that the grounds on which the Caste certificate issued to the Appellant was cancelled , are neither elaborate, nor adequate enough, to cancel the Caste Certificate. Further, the District Level Scrutiny Committee confirmed that Smt Chennur Maqbul Jan has been accepted by Kadiri Muslim Community as a person belonging to ' Shaik' community which comes under Shaik (BC-E) Caste. Government after careful consideration of the details placed before them are inclined to set aside the impugned proceedings Rc.No. MC3/2416/2014, Dated: 10.02.2017 issued by the Collector & District Magistrate Anantapuram, cancelling the (BC-E-Shaik) caste certificate issued in favour of Smt Chennur Maqbul Jan , W/o Late Chennur Jaffar Vali, R/o Kadiri, Anantapur District, by the Tahlildar, Kadiri, and remand the case to the Collector & District Magistrate , Ananathapuram, for a de-novo enquiry.

11 . Accordingly, Government after careful examination of the entire matter **and** keeping in view , the **orders of Hon'ble High Court of Judicature at Hyderabad** for the State of Telangana and the State of Andhra Pradesh, in W.P.No.23814 of 2018, and in exercise of the powers conferred under Section 8(1) of the Andhra Pradesh (Scheduled Caste, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993) , **hereby set aside the impugned Proceedings Rc.No. MC3/2416/2014, Dated: 10.02.2017 issued by the Collector & District Magistrate Anantapuram, and further remand the case** to the District Collector, Anantaupuramu , for de – nova enquiry in to the matter, duly taking into consideration the arguments and fresh evidence that may be adduced from both the parties , giving reasonable opportunities, and to pass an appropriate and self-contained order, thereafter .

12. With the above orders, the case stands disposed of , at Government level.

13 . Consequently, the Collector and District Magistrate, Anantapuramu District, Anantapuramu shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.UDAYA LAKSHMI
PRINCIPAL SECRETARY TO GOVERNMENT

To

Smt Chennur Maqbal Jan, W/o Late Chennur Jaffar Vali, R/o Door No.10-60, Tippusulthan Street, Kadiri, Anantapuramu District.

Smt M.Shahanaz Shakir, W/o Mohammad Shakir, #10-6, Jamiya Masjid Backside, Kadiri, Anantapuramu District.

The Collector and District Magistrate, Ananthapuramu District, Anantauramu.

The Director, B.C.Welfare, A.P., Vijayawada.

The OSD to M (BCW)

PS to Prl. Secretary to Government, B.C. Welfare Department, A.P. Secretariat ,Velagapudi .

SF / SCs

// FORWARDED:: BY ORDER //

SECTION OFFICER